IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

PUBLIC INTEREST LITIGATION

WRIT PETITION NO. 1277 OF 2003

PETITIONER : Pradeep Tripathi Son of Shri Suresh Tripathi aged about 32 years, resident of village - Sonpur-Kala, Police Station & Tahsil - Ambikapur, Distt - Surguja (C G).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through the Secretary, Mines & Minerals Department, DKS Bhavan, Raipur (C G).
2. Shri Rampukar Singh, State Minister, Mines & Minerals Department, Raipur (C G).
3. Collector, Surguja (Mineral Branch) Ambikapur, Distt : Surguja (C G).
4. Sub Divisional Officer, (Revenue) Ambikapur, Distt : Surguja (C G).
5. Smt. Mamata Singh Wife of Shri Sanjay Singh, resident of Kedarpur, Ambikapur, Distt : Surguja (C G).

P. R. No. ..... Presented by Shri ..... dated .....

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA IN THE NATURE OF PUBLIC INTEREST LITIGATION.

DETAILS OF PETITION

1. Particulars of the Petitioner :

As mentioned in the cause title.

2. Particulars of the Respondents :

As mentioned in the cause title.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P No. 1277/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

DIVISION BENCH: -

HON'BLE SHRI K.H.N. KURAINGA, CJ
& HON'BLE SHRI L.C. BHADOO, J.

06/05/2003

Shri V.K.Pandey, counsel for the petitioner.

Dr.N.K.Shukla, Addl. Advocate General for the State/ respondents 1 to 4.

Shri Sushil Dubey, counsel for respondent No.5.

Heard.

The petitioner has in this petition sought for quashing of the order dated 28-12-2002 (Annexure-P/1), passed by respondent No.2 and to confirm the order passed by respondent No.3 and to direct respondent No.2 to decide the appeal namely, Appeal No.2954/2995/2002/12 filed by respondent No.5 in accordance with law within a stipulated period.

Respondent No.3 passed an order on the basis of the report submitted by respondent No.4 cancelling the licence granted in favour of respondent No.5 to install Stone Crusher Machine. Aggrieved by the order passed by respondent No.3, the Collector, Sarguja, respondent No.5 filed an appeal namely, Appeal No.2954/2995/2002/12 before respondent No.2 and respondent No.2 passed the impugned order Annexure P-1 during the pendency of the appeal filed by respondent No.5 before him. It is this order that is challenged by the petitioner in this petition.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.1277/2003 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	It is submitted that in the detailed report submitted by respondent No.4 he has stated that the place of installation is very near to the residential premises of the villagers and due to installation of the said machine the health of the villagers and agricultural lands will be affected. It is also submitted that respondent No.4 after examining the matter found that due to installation of the Crusher Machine environment of the area will be polluted. After taking into consideration the report of respondent No.4, respondent No.3 has passed an order which was challenged by respondent No.5 before respondent No.2. In the circumstances, we are of the opinion that it is appropriate to stay the order Annexure-P/1, passed by respondent No.2 and direct the respondent No.2 to dispose of the appeal filed by respondent No.5 as expeditiously as possible, preferably within one month from the date of receipt of copy of this order, after hearing the petitioner. Ordered accordingly and the petition stands disposed of. Send a copy of this order to respondent No2 forthwith. In view of this order all the pending applications stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **Chief Justice**	**Sd/-** **L.C.BHADOO** **Judge**

Subbu